

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2021-95-E - ORDER NO. 2021-704
OCTOBER 26, 2021

IN RE: James T. Simmons, Complainant/Petitioner v.) ORDER GRANTING
Duke Energy Carolinas, LLC,) DISMISSAL
Defendant/Respondent)

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (Commission) on the request of Duke Energy Carolinas, LLC (Company or DEC) to dismiss the Complaint of James T. Simmons (Complainant).

II. FACTS AND PROCEDURAL HISTORY

This docket was initiated by the filing of Mr. Simmons' complaint on March 16, 2021. Mr. Simmons alleged that his power bills had increased significantly despite there being no change in his home or electricity usage. On April 15, 2021, the Company filed an Answer to the Complaint, along with a Motion to Dismiss. On May 26, 2021, the Commission denied the Company's motion to dismiss and ordered new prefile dates for remaining testimony be set and the matter be scheduled for a hearing. On June 2, 2021, the Clerk's Office set a new procedural schedule requiring the Complainant to file direct testimony on or before August 11, 2021, and the Company to file testimony on or before August 25, 2021, and setting a hearing date of September 22, 2021.

On June 10, 2021, the Company filed its First Set of Interrogatories to Complainant with the Commission and served a copy on Complainant via electronic mail and U.S. Mail. Pursuant to S.C. Code Ann. Regs. 103-833, Complainant's responses were due on or before June 30, 2021. On July 15, 2021, the Company filed a Motion to Compel requesting the Commission order Mr. Simmons to respond to the interrogatories by a date certain. On August 4, 2021, the Commission issued Order No. 2021-533 requiring Mr. Simmons to answer the interrogatories by Friday, September 3, 2021. Order No. 2021-553 also provided that "if the Complainant should fail to answer said interrogatories by the close of business on this date, that Duke Energy Carolinas, LLC may so notify the Commission, and the Commission will consider dismissal of the Complaint." No responses were received in reply to the Company's First Set of Interrogatories.

III. DISCUSSION

The Complainant, Mr. Simmons, has failed to meaningfully participate in the legal process required for the adjudication of his Complaint, and is therefore subject to dismissal.

IV. FINDINGS OF FACT

1. Mr. Simmons has failed to answer interrogatories duly served upon him by the Company.

V. CONCLUSIONS OF LAW

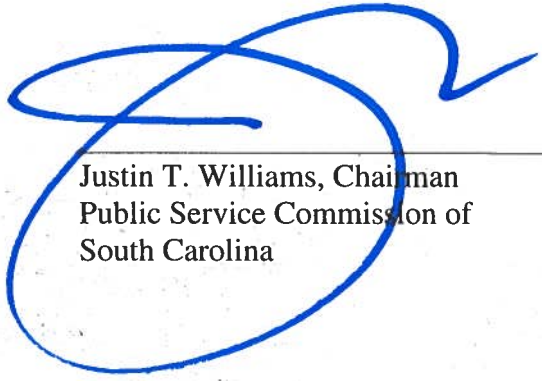
1. Mr. Simmons violated Commission Order No. 2021-533, and is subject to dismissal for failure to answer interrogatories duly served upon him by the Company.

VI. ORDERING PROVISIONS

IT IS THEREFORE ORDERED:

1. Mr. Simmons's Complaint in Docket No. 2021-95-E is dismissed.
2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina